

REMARKS

Applicant has carefully reviewed the Office Action of 17 January 2002 and offers the following remarks.

A brief overview of the present invention is in order to help explain the context and meaning of the claim terms. The present invention is a two fold technique by which information may be provided to users of mobile terminals as they move about the world. In a first part of the technique, mobile terminals, upon entering a locality, receive content based on the locality. "Locality" is very specifically defined in the specification at page 2, line 31 to page 3, line 4. This definition, since it is provided in the specification, replaces the broadest ordinary definition for the term and impacts the relevancy of the cited reference. Upon determining that the mobile terminal is within a given locality, content associated with that locality is provided to the mobile terminal. The second part of the technique is in essence the converse of the first. The mobile terminal creates a zone of acceptance defined by some user determined radius. If that zone of acceptance encompasses a content provider, content is provided to the mobile terminal, even if the mobile terminal is not within the ordinary locality of the content provider. As a corollary to the two techniques, an overlap of the two zones may trigger content provision to the mobile terminal. Thus, if the edge of the mobile terminal's zone of acceptance moves over the edge of a locality, even if the mobile terminal is not within the locality, the content may be provided to the mobile terminal.

In contrast, the cited reference, Hollenberg, teaches a mobile terminal that exudes a zone of acceptance. When a content provider is within that zone of acceptance, content is provided to the mobile terminal. There is no teaching or suggestion of defining localities; providing content when a mobile terminal is within a locality; or providing content when a zone of acceptance passes into a locality.

Claims 1-26 were rejected under 35 U.S.C. § 102(a) as being anticipated by Hollenberg. For an anticipation rejection to be proper, the reference must show all of the claim elements arranged as claimed. MPEP § 2131. As will be explained below, the reference does not teach determining a *locality* encompassing the location of a mobile terminal, and thus, the claims are not anticipated.

Claim 1 claims, in step b, "determining a locality encompassing the location of the mobile terminal. . . ." When the term "locality" is given its proper definition, the reference does not teach such localities. The Patent Office refers to col. 5, lines 19-28 or col. 8, lines 65-68 for the proposition that the reference teaches these localities. However, a close reading of the cited passages reflects that these are only GPS functionalities, similar to those described in the background, and not a determination of localities as that term is defined.

Claims 2-10 depend from claim 1 and thus are not anticipated for the same reasons that claim 1 is not anticipated.

Claim 11 deserves special mention as being independently patentable over the reference as this is the claim directed to the zone of acceptance of the mobile terminal overlapping any portion of the locality, and providing content based on that overlap.

Claim 12 claims a control system adapted to "determine a locality encompassing the location of the mobile terminal. . . ." As noted above, when locality is given its proper definition, the reference does not teach such localities. The Patent Office references col. 8, lines 65-67, but as noted above, this is merely GPS functionality, and not locality determination. Thus, the claim is not anticipated.

Claims 13-21 depend from claim 12 and are not anticipated for the same reasons that claim 12 is not anticipated.

Claim 22 deserves special merit as being analogous to claim 11 and claiming the provision of content based on the overlap of zones. This is not taught or suggested by the reference of record.

Claim 23 is a software claim analogous to claim 12, and claims software to "determine a locality encompassing the location of the mobile terminal." This is the same language that is not anticipated in claim 12 and the same analysis applies thereto.

Claim 24 is canceled and claim 25 is rewritten in independent form. Claim 25 claims "the location of the point of presence is a locality." When the term "locality" is given its proper definition, this claim element is not anticipated. Claim 26 depends from claim 25 and thus is patentable for the same reason.

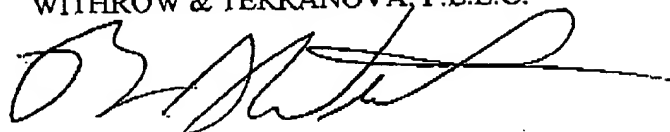
In sum, the Patent Office is obligated to give a claim element a specific definition when it is provided in the specification, and not the broadest reasonable interpretation. When the term "locality" is afforded its proper definition, the reference fails to show such an element, and the

claims are not anticipated. Applicant solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Benjamin S. Withrow
Registration No. 40,876
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

25.(amended) [The] A method [of claim 24] for delivering content to a mobile terminal comprising:

- a) determining a location of the mobile terminal;
- b) determining a location of a point of presence having associated content;
- c) determining a relative proximity between the location of the mobile terminal and the location of the point of presence, wherein the location of the point of presence is a locality;
- d) accessing the associated content if the relative proximity between the location of the mobile terminal and the location of the point of presence is within a desired range; and
- e) delivering the associated content to the mobile terminal.